



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Wagner *et al.*

Application No.: 09/522,334

For: Trait Associated Gene  
Identification Method

Group Art Unit: 1638

Examiner: Kruse, D.

Atty. Docket No.: 4257-0018.30

#17/C  
KAW  
APR 29 02  
RECEIVED  
APR 25 2002  
TECH CENTER 1600/2900

**PRELIMINARY AMENDMENT (37 CFR §§ 1.115)**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is responsive to the final office action mailed October 23, 2001. A petition for a three-month extension of time and a request form for a Continued Prosecution Application, with authorization to charge fees, are filed herewith. The Commissioner is authorized to charge any additional required fees, to deposit account no. 50-1108.

**AMENDMENT**

Amendment to the claims

Please rewrite claims 1-7, 11, and 19 as follows:

1. (Twice amended) A method for identifying genes associated with a desired trait in a fleshy fruit-bearing plant comprising:

(i) transforming cells of a fleshy fruit-bearing plant with a plant cell expression vector having an *E. coli* origin or replication, an enhancer, a selectable marker-encoding nucleotide sequence operably linked to a promoter effective to express the selectable marker encoding sequence, a transcription termination element for said selectable marker-encoding nucleotide sequence, and a T-DNA sequence in a manner effective to express said selectable marker-encoding nucleotide sequence;

(ii) selecting plant cells which have been transformed by their ability to grow in the presence of an amount of selective agent that is toxic to non-transformed plant cells;

(iii) regenerating transformed plant cells to yield mature plants;

(iv) selecting plants having a desired trait; and